



# **FREDERICK COUNTY PLANNING COMMISSION**

## **December 11, 2013**

---

**TITLE:** Orchid Cellar Winery

**FILE NUMBER:** SP-13-10, AP# 13700, APFO# 13701, FRO# 13702

**REQUEST:** Site Development Plan Approval

The Applicant is requesting site development plan approval for a farm winery tasting room, on a 14.76-acre site

### **PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 8546 Pete Wiles Road, located along Pete Wiles Road, north of Westchester Court

**TAX MAP/PARCEL:** Tax Map 55, Parcel 217  
**COMP. PLAN:** Agricultural/Natural Resource  
**ZONING:** Agricultural  
**PLANNING REGION:** Middletown  
**WATER/SEWER:** W-NPS/S-NPS

### **APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Andrzej and Marzanna Wilk  
**OWNER:** Andrzej and Marzanna Wilk  
**ENGINEER:** Terra Solutions Engineering, LLC  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Principal Planner II

### **RECOMMENDATION:**

Conditional Approval

### **ATTACHMENTS:**

Exhibit 1 - Site Plan Rendering  
Exhibit 2- Parking Space Modification Statement

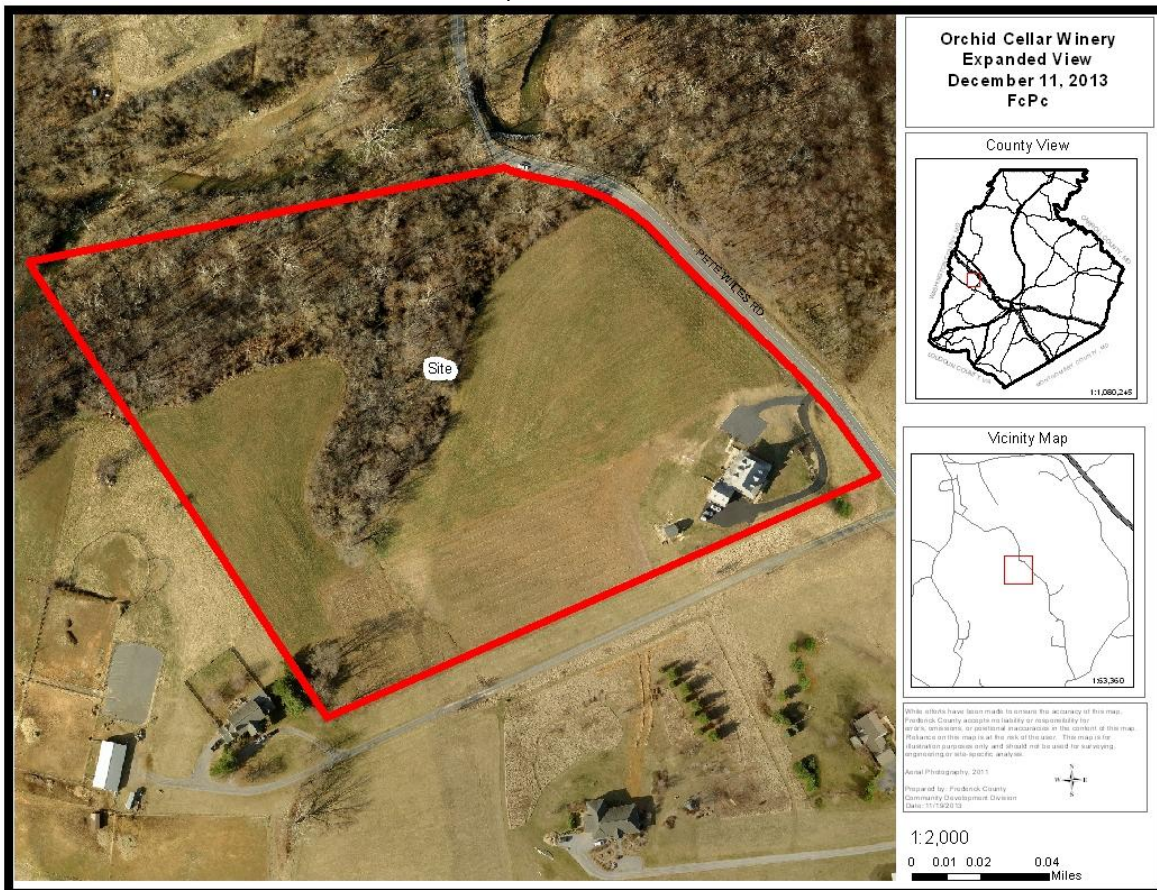
# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting site development plan approval for a Farm winery tasting room, on a 14.76-acre site. The proposed use is being reviewed as an "Farm winery tasting room" land use under the heading of *Natural Resources Uses* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Agricultural Zoning District subject to site development plan approval. See Graphic #1 below.

Graphic #1 Site Aerial



## BACKGROUND

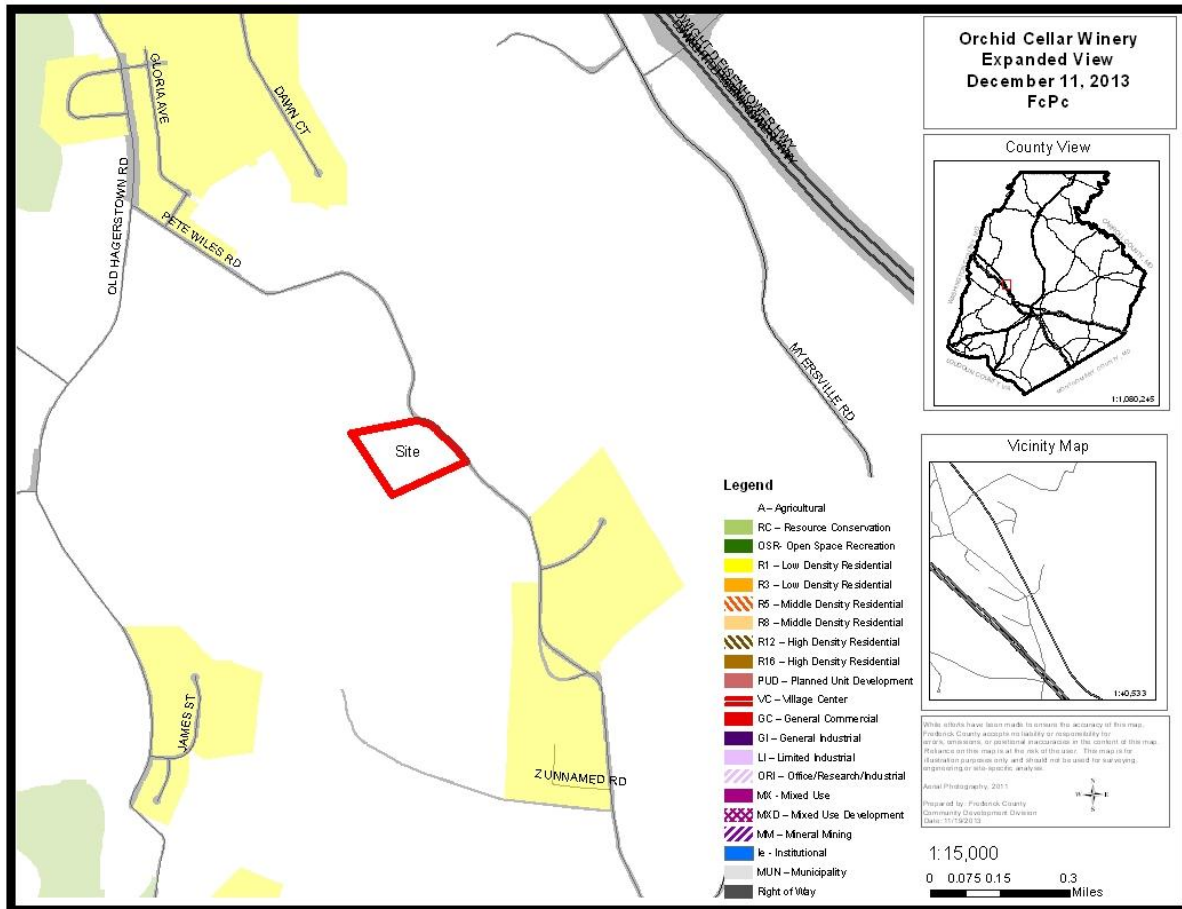
### Development History

This site had prior subdivision plan approval for a three lot subdivision and a remainder and is now being redeveloped to Farm winery tasting room. The subject lot was subdivided and recorded in April of 1987 as a 14.76-acre remainder of the Brenthaven subdivision.

### Existing Site Characteristics

The site is currently zoned Agricultural, and is developed with a single family detached dwelling. See Graphic #2 below. The property to the east of the site is vacant with agricultural and forested lands; the properties to the west; north and south are developed with single family detached dwellings.

Graphic #2 Site Zoning



## ANALYSIS

### Summary of Development Standards Findings and Conclusions

The primary issues associated with this development proposal were retrofitting a portion of an existing single family residence into a Farm Winery Tasting Room and complying with the necessary Zoning regulations associated with that use, including parking, and landscaping.

### Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

### Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements for a Natural Resource use in the Agricultural zoning district are 40-

**Orchid Cellar Winery**

December 11, 2013

Page 3 of 9

foot front yard and 50-foot rear yard, with 50-foot side yards. The maximum height allowed is 30 feet. The minimum lot size for a single family residence in the zoning district is 40,000 square feet and the minimum lot size for a Natural Resource use is 5 acres. The existing structure was constructed based on bulk dimensional requirements for a single family residence. The proposed tasting room is located in a portion of the existing residence. The proposed tasting room meets the Bulk/Dimensional requirements for natural resource uses in the Agricultural zone.

2. **Signage §1-19-6.300:** The Applicant is not proposing any additional signage as part of this application. The Applicant will utilize an existing 21 square foot sign. The existing signage adheres to the requirements of §1-19-6.320 of the Zoning Ordinance (ZO).
3. **Landscaping §1-19-6.400:** The Applicant is proposing to plant four Red Maple trees at each corner of the existing gravel parking lot. The proposed site plan complies with the requirements listed in ZO §1-19-6.400.
4. **Screening §1-19-6.400:** The northern portion of this site contains 5.06 acres of existing forested areas. The activities on site are agricultural in nature the existing vegetation and planted vineyards fulfill the screening requirements of §1-19-6.400.
5. **Lighting §1-19-6.500:** The Applicant is not proposing any additional lighting as part of this site plan application.

***Transportation and Parking §1-19-3.300.4 (B):*** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

### **Findings/Conclusions**

1. **Access/Circulation:** Access to this site will be via an existing 16' wide dual access onto Pete Wiles Road.
2. **Connectivity §1-19-6.220 (F):** Due to layout of this property, topography, natural features and the adjacent large residential properties, there is no inter-parcel connectivity proposed as part of this site development plan.
3. **Public Transit:** This site is not served by Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The required parking for "Restaurant, Dining Room, Tavern, Night Club" uses require one space for every 50 square feet of customer service area, excluding food preparation and storage. The proposed Farm Winery Tasting Room is 300 square feet, which requires 6 parking spaces. The Applicant has proposed a total of 8 parking spaces plus 1 ADA accessible parking spaces.

The Applicant is seeking a parking space modification in accordance with ZO §1-19-6.220.A.1, for 2 parking spaces over the target, See Exhibit #2. Staff has no objection to the requested parking space modification.

In accordance with the requirements of §1-19-6.210, the Applicant is not required to provide a loading space for a building area of 1,000 square feet or less.

5. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required for the proposed use.

**Orchid Cellar Winery**

December 11, 2013

Page 4 of 9

- 6. Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has proposed a handicapped accessible walkway from the handicapped parking space to the proposed tasting room.

### **Conditions**

1. Approval of the vehicle parking space modification in accordance with §1-19-6.220.A.1, for the 2 spaces over target.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

1. **Private Well and Septic:** The Property has water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan*. The Health Department has conditionally approved this proposal. This site is served by a private well and septic system.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Topography:** The site slopes from south to north. The Little Catoctin Creek East runs adjacent to the northern property boundary of this site. There is an intermittent stream channel that runs south to north into the Little Catoctin Creek East. The proposed development will not disturb the existing stream channels.
2. **Vegetation:** The northern portion of this site contains 5.06 acres of existing forested areas adjacent to the stream channels. The remaining acreage is comprised of agricultural lands and vineyards.
3. **Sensitive Resources:** This site contains a small band of FEMA floodplain, wet soils and flooding soils along the northern property line. The site also contains approximately 24,852 square feet of existing forested area within the 100 year floodplain of the Little Catoctin Creek. A 150' water body buffer protects the existing intermittent channel which feeds the Little Catoctin Creek. All of the sensitive resources on site are located outside of the proposed development area and not being impacted.
4. **Natural Hazards:** There are no natural hazards being impacted by the proposed development.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

## **Findings/Conclusions**

1. **Proposed Common Area:** The site is a private residence and a place of business. There are no common areas proposed.

## **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter 1-6A:** The proposed use is non-residential; therefore, MPDU's are not required.

**Stormwater Management – Chapter 1-15.2:** The overall disturbance for this plan is less than 5,000 square feet (4,315 sq ft), therefore the project is exempt from Stormwater Management requirements per the 2000 Maryland SWM Design Manual and the SWM Act of 2007.

**Subdivision Regulations – Chapter 1-16:** There is no subdivision activity proposed on this property.

## **APFO – Chapter 1-20:**

1. **Schools.** The site is a non-residential use and therefore exempt from school testing.
2. **Water/Sewer.** The Property has water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan* and is therefore exempt.
3. **Roads.** The project is exempt from APFO testing because it would generate less than 50 peak hour trips and there are no existing escrow accounts in the area of this site plan proposal.

**Forest Resource – Chapter 1-21:** This development is subject to FRO. A Combined Preliminary/Final FRO plan has been submitted and approved. No forest removal is proposed. The required 0.02 acres of afforestation will be provided via payment of fee-in-lieu (\$470.45). This FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

**Historic Preservation – Chapter 1-23:** There are no sensitive historic resources on this property.

## **Summary of Agency Comments**

| <b>Other Agency or Ordinance Requirements</b>           | <b>Comment</b>   |
|---|--|
| <b>Development Review Engineering (DRE):</b>            | Conditional Approval   |
| <b>Development Review Planning:</b>                     | Hold: Address all agency comments as the plan proceeds through to completion.            |
| <b>State Highway Administration (SHA):</b>              | N/A  |
| <b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b> | N/A  |
| <b>Health Dept.</b>                                     | Conditional Approval   |
| <b>Office of Life Safety</b>                            | Conditional Approval   |
| <b>DPDR Traffic Engineering</b>                         | Hold: The Applicant must confirm adequate intersection sight distance at the site access |
| <b>Historic Preservation</b>                            | N/A  |

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Site Development Plan. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.
3. Approval of the vehicle parking space modification in accordance with §1-19-6.220.A.1, for the 2 spaces over target.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Development Plan SP-13-10 Orchid Cellar Winery, AP# 13700 **with conditions** as listed in the staff report for the proposed Farm Winery Tasting Room, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



**Orchid Cellar Winery**  
December 11, 2013  
Page 8 of 9



# **Terra Solutions Engineering, LLC**

*Commercial & Residential Land Planning and Engineering*

*"Solutions through experienced Engineering"*

5216 Chairman's Court, Unit 105  
Frederick, Maryland 21703

Phone: 301-378-9842  
Fax: 301-378-9846

November 20, 2013

Frederick County Division of Permitting and Development Review  
30 North Market Street  
Frederick, MD 21701  
Attn: Tolson DeSa

RE: Orchid Cellar Winery  
Hanson A/P #:13700  
**Modification Request for Overage of Parking Space Requirements**

Dear Mr. DeSa:

Per the requirements of the Frederick County Zoning Ordinance (§ 1-19-6.220 (A) (1)), [*"an increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by ITE or other documentation as approved by the Planning Commission."*], this modification request letter is being submitted to gain approval of an additional two (2) parking spaces at the Orchid Cellar Winery. The current parking space requirements for this project are for six (6) spaces. The existing dimensions and shape of the parking area allow for eight (8) spaces. Due to the proximity of the parking area to the existing Tasting Room, the applicant is seeking approval from the Planning Commission for the overage of the two (2) additional spaces.

Sincerely,

**Terra Solutions Engineering, LLC**

  
J.T. Leberz, LS

Cc: Andrzej & Marzanna Wilk

Orchid Cellar Winery